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*Attorneys for Plaintiffs CG Technology Development, LLC,
Interactive Games Limited, and Interactive Games LLC*

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

CG TECHNOLOGY DEVELOPMENT, LLC,
INTERACTIVE GAMES LIMITED, and
INTERACTIVE GAMES LLC,

Plaintiffs,

vs.

DRAFTKINGS, INC.,

Defendant.

Case No.:

**PLAINTIFFS' COMPLAINT FOR
PATENT INFRINGEMENT**

DEMAND FOR JURY TRIAL

Plaintiffs CG Technology Development, LLC ("CG Tech"), Interactive Games Limited ("IG Limited"), and Interactive Games LLC ("IG LLC") (collectively "Plaintiffs"), by and through

their counsel, hereby bring this Complaint against Defendant DraftKings, Inc. ("Defendant" or "DraftKings"), and allege as follows:

NATURE OF ACTION

1. This is an action for patent infringement under 35 U.S.C. § 271 *et seq.* by Plaintiffs against Defendant for infringement of U.S. Patent Nos. RE39,818; 6,899,628; 9,111,417; 8,641,511; 8,342,924; 7,029,394; 6,884,166; and 7,534,169 (collectively the "Patents-in-Suit").

PARTIES

2. CG Tech is a wholly owned subsidiary of CG Technology, L.P. ("CG"), a limited partnership, with its principal place of business at 2575 South Highland Drive, Las Vegas, Nevada, 89109. CG and CG Tech are both incorporated in Nevada. CG is an innovative gaming technology solutions provider for lottery, gaming, racing, and sports wagering worldwide. It specializes in providing secure, scalable, mobile technology and risk management solutions to integrated resorts, gaming partners, race and sports books, and lottery industries. Headquartered in Las Vegas, Nevada, CG and CG Tech continue to expand into new global markets in response to partner demand for their gaming and manufacturing expertise and superior technology solutions. Their products include Android™- and Apple®-compatible applications for sports wagering and real-money casino gaming, as well as state-of-the-art, account-based wagering systems.

3. IG LLC is a limited liability company incorporated in Nevada with its principal place of business at 110 East 59th St., New York, New York, 10022.

4. IG Limited is a private limited company with its principal place of business at One Churchill Place, Canary Wharf, London, UK E14 5RB.

5. Upon information and belief, DraftKings is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 225 Franklin St., 26th Floor, Boston, Massachusetts, 02110.

JURISDICTION AND VENUE

6. This is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 271 *et seq.*

7. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

1 8. DraftKings is subject to personal jurisdiction in this District because, based on
 2 information and belief, Defendant has transacted business in this District and has committed, by
 3 itself or in concert with others, acts of patent infringement in this District. On information and
 4 belief, Defendant has conducted business within the State of Nevada. In addition, Defendant
 5 offered for sale, sells, advertises, and/or uses its products and services (including the products
 6 accused of infringement in this lawsuit) in the United States, the State of Nevada, and this District.
 7 Further, Defendant purposefully and voluntarily placed one or more infringing products and
 8 services into the stream of commerce with the expectation that they will be used by consumers in
 9 the State of Nevada. Defendant also advertises and has transacted business throughout the United
 10 States, including in the State of Nevada, and specifically in this District. Defendant has purposely
 11 availed itself of the laws of this District by, among other things, advertising and selling its products
 12 and services in this District.

13 9. Defendant is subject to this Court's specific and general personal jurisdiction
 14 pursuant to due process and/or the Nevada Long Arm Statute, due at least to Defendant's
 15 substantial business in this forum, including: (i) at least a portion of the infringements alleged
 16 herein; and/or (ii) regularly doing or soliciting business, engaging in other persistent courses of
 17 conduct, and/or deriving substantial revenue from goods and services provided to individuals in the
 18 State of Nevada and in this District.

19 10. On information and belief, Defendant has operated and continues to operate an
 20 interactive website (www.draftkings.com) and mobile application that are accessible to all
 21 residents of the State of Nevada, including in this District, through which Defendant advertises and
 22 makes available for use certain services and electronic daily fantasy sports contests that are herein
 23 accused of infringement. (See <https://www.draftkings.com/lobby#/featured>.) On information and
 24 belief, Defendant has repeatedly held events promoting and utilizing its products and services
 25 accused of infringement in this District. (See, e.g., <https://www.youtube.com/watch?v=AM09LeJBkjm>,
 26 <https://www.facebook.com/draftkings/posts/929970750356764>, [https://rotogrinders.com/pages/draftkings-2015-
 27 mlb-world-championship-776884](https://rotogrinders.com/pages/draftkings-2015-mlb-world-championship-776884), [http://playbook.draftkings.com/mlb/draftkings-fantasy-baseball-championship-
 28 3m-guaranteed/](http://playbook.draftkings.com/mlb/draftkings-fantasy-baseball-championship-3m-guaranteed/), <http://playbook.draftkings.com/nba/nhl-cbb-nba-world-championships-in-las-vegas/>.)

11. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and (c), and/or 1400(b), as DraftKings is subject to personal jurisdiction in this District.

GENERAL ALLEGATIONS

12. Plaintiffs own innovative technology that is being used by Defendant in its daily fantasy sports business. Like traditional fantasy sports, players draft a team of real-world athletes who then score fantasy points according to set scoring rules. Daily fantasy sports, however, offer contests that may last just one day, instead of being stuck with the same team (or drafted players) throughout a whole season. Accordingly, daily fantasy sports are quicker, more numbers-driven, and provide more “action” for the daily fantasy sports entrants. Before the advent of the Internet, the ability of hundreds of thousands of people participating in daily fantasy sports together in the same contest did not exist.

13. On information and belief, and based on its own admissions, DraftKings is one of the largest on-line sites to offer daily fantasy sports contests. (See <http://cdcgamingreports.com/draftkings-ceo-compares-fantasy-sports-to-chess-stock-investing/>.) DraftKings provides access to its daily fantasy sports gaming platform through its web-based interface and/or mobile applications. DraftKings determines whether its users are over the age of 18 (or 19 in certain jurisdictions) before authorizing the users (or contest entrants) to pay an entry fee for one of its contests.

14. DraftKings offers various types of daily fantasy sports contests that authorize users to “pay to play.” Its gaming platform also allows users to create their own contests where users may specify the amount of money for entry into a contest and the contest parameters before DraftKings offers the contest to other users for acceptance. In this and other ways, users are then matched in contests to compete against one another for the entry-fee dollar amounts according to each contest’s payout rules (or against one another in a head-to-head contest). DraftKings also monitors multiple games and game events on which play is based. This platform generates statistics on game events, payments for various contests and users, and determines outcomes for each contest where the winners of each contest are awarded the winning dollar amounts according to each contest’s payout rules. After the contest is completed, each user’s account is managed or

1 updated to reflect the appropriate transfer of funds based on a winning or losing entry. (*See, e.g.,*
2 <https://www.draftkings.com/help/faq.>)

3 15. On July 15, 2014, a letter was sent to Defendant notifying Defendant of its
4 infringement of numerous patents. Specifically, at least the following patents were identified as
5 being infringed: U.S. Patent Nos. RE39,818; 6,899,628; 8,641,511; 8,342,924; 7,029,394;
6 6,884,166; and 7,534,169.¹ As noted in the letter, Plaintiffs wanted to reach a negotiated
7 nonlitigation arrangement with Defendant for the identified patents. An agreement was never
8 reached, and Defendant has not ceased infringing Plaintiffs' patents.

9 CLAIMS FOR RELIEF

10 FIRST CLAIM FOR RELIEF 11 (INFRINGEMENT OF U.S. PATENT NO. RE39,818)

12 16. Plaintiffs incorporate by reference paragraphs 1-15 as if fully set forth herein.

13 17. On September 4, 2007, U.S. Patent No. RE39,818 ("the RE'818 patent") was duly
14 and legally issued by the U.S. Patent and Trademark Office ("PTO") for an invention titled
15 "Personalized Wireless Video Game System" to the listed inventor, Russell D. Slifer. A certified
16 copy of the RE'818 patent is attached as **Exhibit A**.

17 18. CG Tech is the assignee and owner of the RE'818 patent, with all substantive rights
18 in and to that patent, including the sole and exclusive right to bring this action and enforce the
19 RE'818 patent against infringers, and to collect damages for all relevant times.

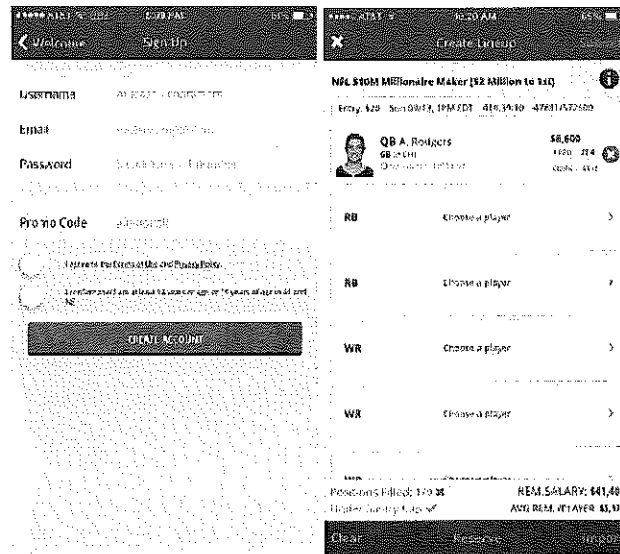
20 19. Defendant, directly or through its agents, customers, and/or intermediaries, has
21 made, used, tested, imported, provided, supplied, distributed, sold, and/or offered for sale products
22 and/or systems that infringe (either directly or under the doctrine of equivalents) one or more
23 claims of the RE'818 patent. For instance, on information and belief, Defendant's accused
24 products and/or systems have certain features that transmit both identification code and game
25 control signals to a processor executing an interactive game. Here, the identification code is used
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27 ¹ U.S. Patent No. 9,111,417 did not issue until August 18, 2015, and was therefore not in the notice
28 letter.

1 by the processor to retrieve identification data and authorize game play based at least in part on an
 2 age of a player. This is done in a manner that infringes at least claims 1, 20, 24, and 25 of the
 3 RE'818 patent.

4 20. DraftKings' on-line fantasy sports contests contain each limitation of at least one
 5 asserted claim of the RE'818 patent. By way of example only:

6 21. DraftKings' on-line fantasy sports contests meet all requirements of claim 20, which
 7 include (as shown below) "[a] game apparatus comprising: a wireless transmitter to transmit both
 8 an identification code and game control signals to a processor executing a game." (RE'818 patent,
 9 col. 7, ll. 25-28.)



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 20 22. DraftKings' on-line fantasy sports contests include an "identification code . . . used
 21 by the processor to retrieve identification data and authorize game play based at least in part on an
 22 age of a player." (*Id.* at col. 7, ll. 28-30.)

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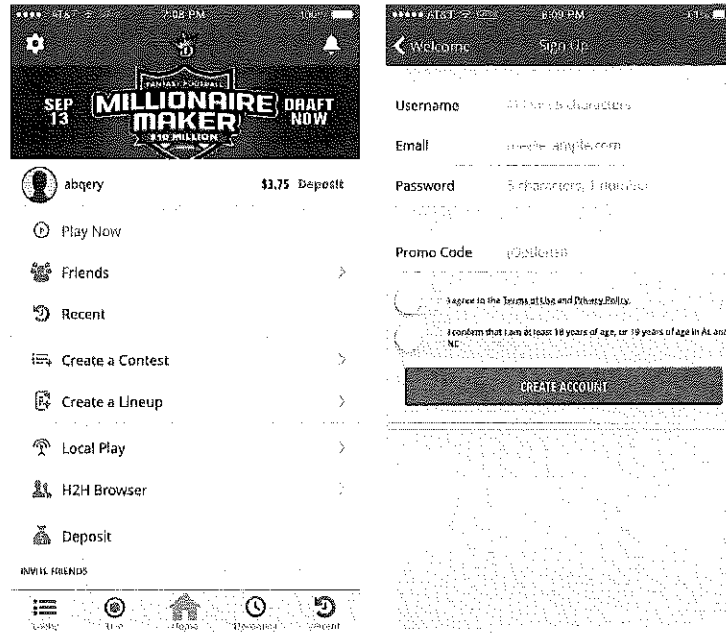
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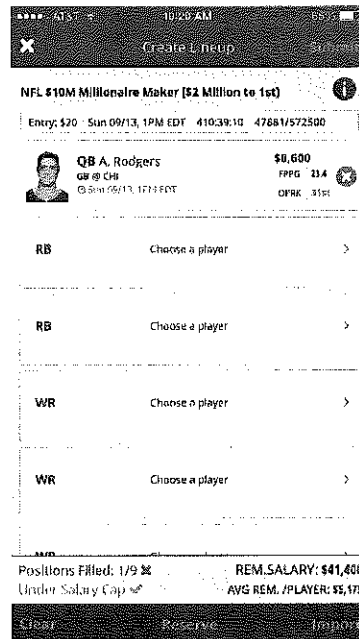
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23. DraftKings' on-line fantasy sports contests include "a plurality of input controls to allow the player to interact with the processor to play the game." (*Id.* at col. 7, ll. 31-32.)



24. Defendant does not have a license or permission to use the RE'818 patent.

25. As a result of Defendant's infringement of the RE'818 patent, CG Tech has suffered and continues to suffer damages, in an amount not yet determined, of at least a reasonable royalty and/or lost profits.

26. In a letter dated July 15, 2014, notice was provided to Defendant of the RE'818 patent and Defendant's infringing conduct.

27. Despite the knowledge of the RE'818 patent, Defendant has continued to infringe this patent. Defendant acted with reckless disregard of the RE'818 patent by continuing to infringe the patent when it knew or should have known that its actions constituted infringement.

SECOND CLAIM FOR RELIEF
(INFRINGEMENT OF U.S. PATENT NO. 6,899,628)

28. Plaintiffs incorporate by reference paragraphs 1-27 as if fully set forth herein.

29. On May 31, 2005, U.S. Patent No. 6,899,628 ("the '628 patent") was duly and legally issued by the PTO for an invention titled "System and Method for Providing Game Event Management to a User of a Gaming Application" to the listed inventors Fergus A. Leen, Sam B. Lawrence, David G. McNally, Clive Hetherington, David M. McDowell, and Kevin R. O'Neal. A certified copy of the '628 patent is attached as **Exhibit B**.

30. IG Limited is the assignee and sole owner of the '628 patent, with all substantive rights in and to that patent, including the sole and exclusive right to bring this action and enforce the '628 patent against infringers, and to collect damages for all relevant times.

31. Defendant, directly or through its agents, customers, and/or intermediaries, has made, used, tested, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringe (either directly or under the doctrine of equivalents) one or more claims of the '628 patent. For instance, on information and belief, Defendant's accused products and/or systems have certain features that manage game events through a gaming application accessible to remote users. Here, the gaming application monitors a plurality of game events, communicates event information associated with at least one game event, and generates a pay record based on the event information, where the pay record is associated with an entry fee between a plurality of users. This is done in a manner that infringes at least claim 31 of the '628 patent.

32. DraftKings' on-line fantasy sports contests contain each limitation of at least claim 31 of the '628 patent. By way of example only:

33. DraftKings' on-line fantasy sports contests meet all requirements of claim 31, which include (as shown below) "[a] server for managing game events, comprising: a processor that

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CURRENTLY IN 4988TH				
POS	NAME	GAME	SCORING	FPTS
P	Charlie Morton	CHC 2 PIT 6 Final	1 W, 7 K, 1 ER, 7 IP, 6 H	28.16
P	Ryan Vogelsong	WAS 9 SF 2 Final	6 K, 6 ER, 6 IP, 2 BB, 9 H	6.9
C	Russell Martin	CHC 2 PIT 6 Final		0
1B	Mike Napoli	BOS 0 BAL 4 Final		0
2B	Josh Rutledge	ATL 3 COL 1 Final		0
3B	Trevor Plouffe	MIN 4 TOR 5 Final		0
SS	Zack Cozart	LAD 6 CIN 2 Final	1 H	3
OF	Coco Crisp	OAK 1 LAA 4 Final		0
OF	Josh Hanke	OAK 1 LAA 4 Final	1 H	3
OF	Adam Jones	BOS 0 BAL 4 Final	1 R, 0 H, 1 HR, 1 RBI	20
TOTAL FANTASY POINTS: 61.05				

11 36. DraftKings' on-line fantasy sports contests include "generat[ing] a wager record
12 associated with a wager between a plurality of users based on at least one of the first event
13 information and the second event information." (*Id.* at col. 24, ll. 4-7.)

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Completed Contests							Buy-In	All	Sho
ID	Game	Completed	Entry Fee	Prize Pool	Place	\$ Won			
904755	MLB \$10K Moon Shot (\$1,000 to 1st)	6/9/2014	\$2.00	\$10,000.00	4988	\$0.00			
MLB \$10K MOON SHOT (\$1,000 TO 1ST) PRIZE POOL \$10,000.00 FULL CONTEST RULES & PRIZES									
START TIME JUN 09, 7:05 PM EST SPORT: MLB TEAMS: 6963 STATUS: COMPLETED POSITIONS PAID: 1150									
<div> <div>PATCHERB13</div> <div>61.05</div> <div>P</div> <div>10</div> <div>YTP</div> <div>0</div> <div>PIR</div> <div>0</div> <div>\$300,000 PUNCH OUT!</div> <div>PIR</div> <div>0</div> <div>YTP</div> <div>0</div> <div>P</div> <div>10</div> <div>BHARP13888</div> <div>283.25</div> </div>									
CURRENTLY IN 4988TH patcherb13 VIEW CURRENTLY IN 1ST BEMATCHER 1 - bharp13888									

20 37. Defendant does not have a license or permission to use the '628 patent.

21 38. As a result of Defendant's infringement of the '628 patent, IG Limited has suffered
22 and continues to suffer damages, in an amount not yet determined, of at least a reasonable royalty
23 and/or lost profits.

24 39. In a letter dated July 15, 2014, notice was provided to Defendant of the '628 patent
25 and Defendant's infringing conduct.

26 40. Despite the knowledge of the '628 patent, Defendant has continued to infringe this
27 patent. Defendant acted with reckless disregard of the '628 patent by continuing to infringe the
28 patent when it knew or should have known that its actions constituted infringement.

THIRD CLAIM FOR RELIEF
(INFRINGEMENT OF U.S. PATENT NO. 9,111,417)

41. Plaintiffs incorporate by reference paragraphs 1-40 as if fully set forth herein.

42. On August 18, 2015, U.S. Patent No. 9,111,417 ("the '417 patent") was duly and legally issued by the PTO for an invention titled "System and Method for Providing Enhanced Services to a User of a Gaming Application" to the listed inventors Fergus A. Leen, Sam B. Lawrence, David G. McNally, Clive Hetherington, David M. McDowell, and Kevin R. O'Neal. A certified copy of the '417 patent is attached as **Exhibit C**.

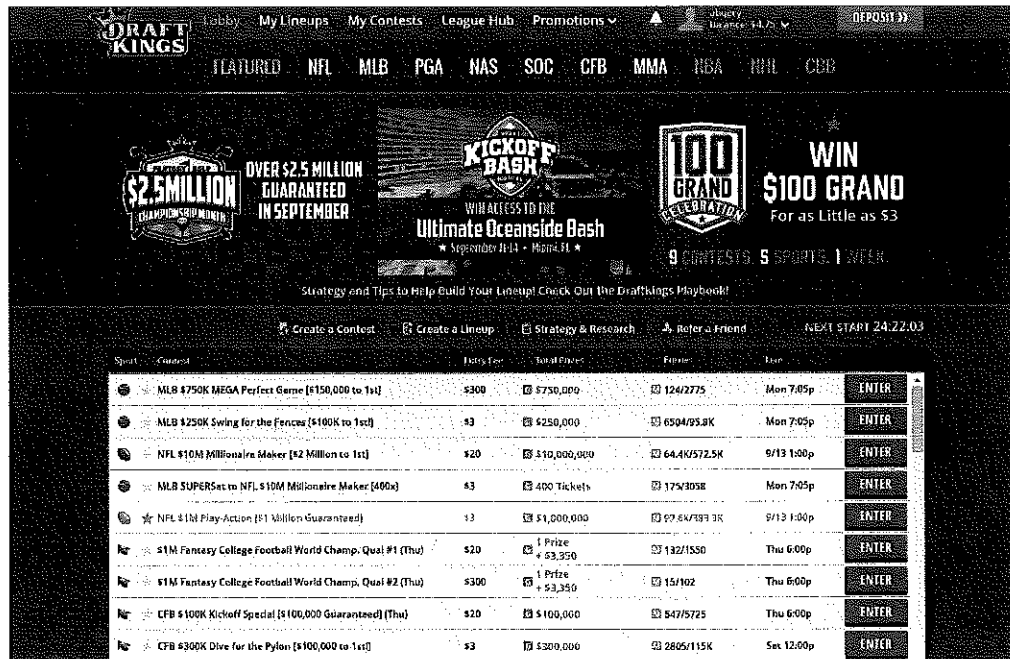
43. IG Limited is the assignee and sole owner of the '417 patent, with all substantive rights in and to that patent, including the sole and exclusive right to bring this action and enforce the '417 patent against infringers, and to collect damages for all relevant times.

44. Defendant, directly or through its agents, customers, and/or intermediaries, has made, used, tested, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringe (either directly or under the doctrine of equivalents) one or more claims of the '417 patent. For instance, on information and belief, Defendant's accused products and/or systems have certain features that provide a sports game to users through its respective computing devices over a communications network. On information and belief, Defendant's accused products and/or systems present users with a graphical user interface that allows users to generate an entry fee where an offer includes a payment amount, an option to present the entry fee offer to other users, and receive from a plurality of other users an acceptance of the entry fee. In addition, during the playing of the game, Defendant's accused products and/or systems offer certain features that generate statistics for multiple users of the game, including presenting a portion of the statistics information for the users. At the end of the game, an outcome is determined and funds are transferred to at least one user who played (and "won") the game. This is done in a manner that infringes at least claim 1 of the '417 patent.

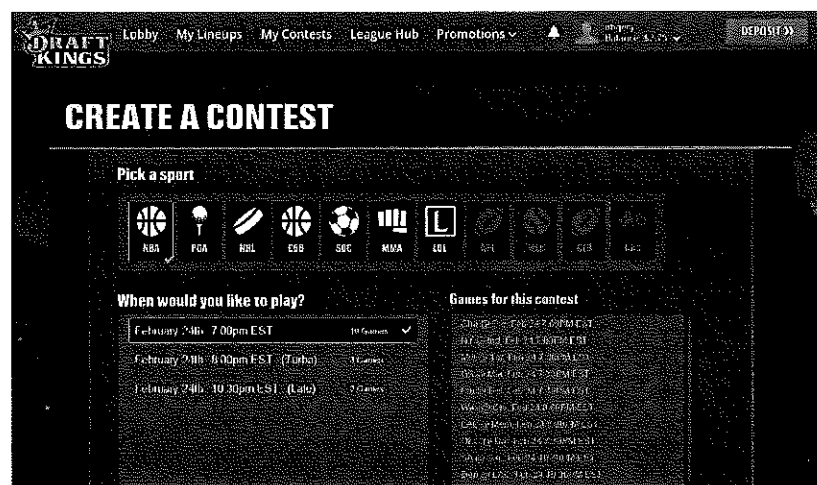
45. DraftKings' on-line fantasy sports contests contain each limitation of at least claim 1 of the '417 patent. By way of example only:

46. DraftKings' on-line fantasy sports contests meet all requirements of claim 1, which

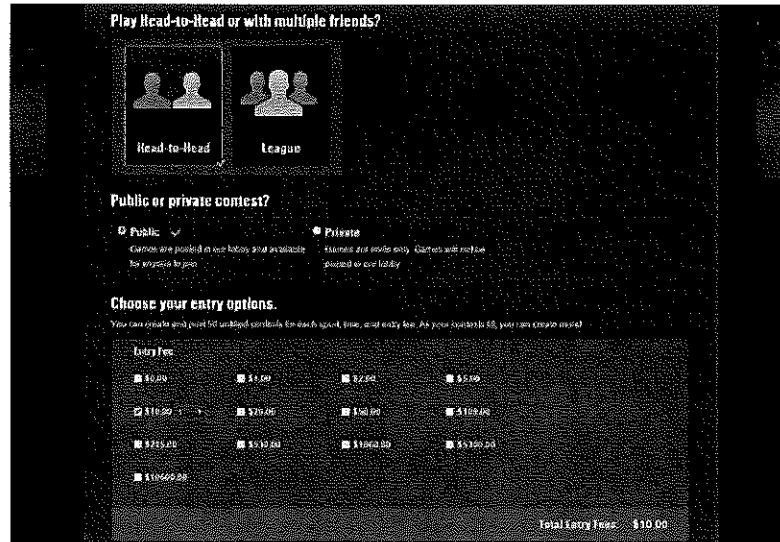
include (as shown below) “[a] system comprising at least one processor and at least one non-volatile memory having software stored thereon that when executed by the at least one processor directs the at least one processor to: provide a game via a communications network to users via respective computing devices of the users, wherein the game is a sports game, an arcade game, a card game, or an adventure game.” (’417 patent, col. 20, ll. 20-27.)



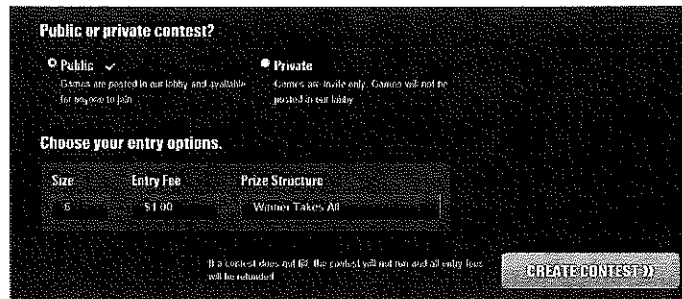
47. DraftKings’ on-line fantasy sports contests include, “responsive to a request from one of the users, caus[ing] a graphical user interface to be presented to the user at the user’s computing device, wherein the graphical user interface allows the user to offer a wager to other users.” (*Id.* at col. 20, ll. 28-31.)



48. DraftKings' on-line fantasy sports contests include, "responsive to presenting the graphical user interface to the user, receiv[ing] from that user a request to generate a wager offer, wherein the wager offer includes a wager amount." (*Id.* at col. 20, ll. 32-34.)



49. DraftKings' on-line fantasy sports contests include, "responsive to receiving the request to generate the wager offer, present[ing] the wager offer to other users via respective computing devices of the other users." (*Id.* at col. 20, ll. 35-37.)



50. DraftKings' on-line fantasy sports contests include "receiv[ing] from a plurality of the other users an acceptance of the wager offer, each acceptance at the wager amount." (*Id.* at col. 20, ll. 38-39.)

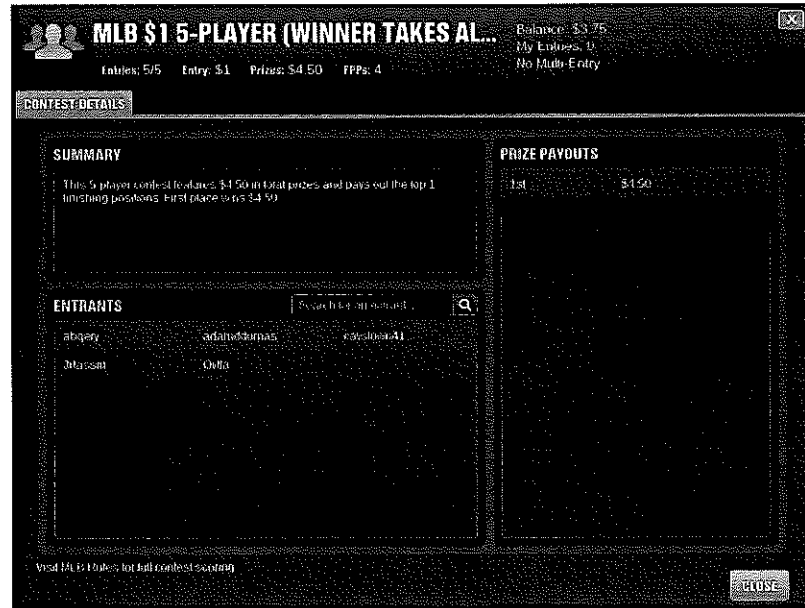
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53. Defendant does not have a license or permission to use the '417 patent.

54. As a result of Defendant's infringement of the '417 patent, IG Limited has suffered and continues to suffer damages, in an amount not yet determined, of at least a reasonable royalty and/or lost profits.

FOURTH CLAIM FOR RELIEF (INFRINGEMENT OF U.S. PATENT NO. 8,641,511)

55. Plaintiffs incorporate by reference paragraphs 1-54 as if fully set forth herein.

56. On February 4, 2014, U.S. Patent No. 8,641,511 ("the '511 patent") was duly and legally issued by the PTO for an invention titled "Real-Time Interactive Wagering on Event Outcomes" to the listed inventors Philip M. Ginsberg, Howard W. Lutnick, Andrew C. Gilbert, and Lewis Findlay. A certified copy of the '511 patent is attached as **Exhibit D**.

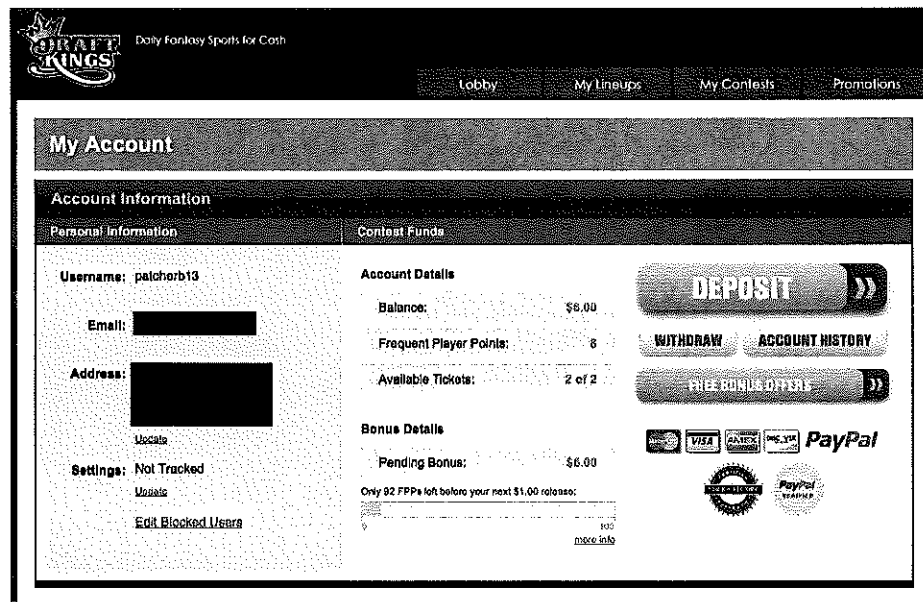
57. IG LLC is the assignee and sole owner of the '511 patent, with all substantive rights in and to that patent, including the sole and exclusive right to bring this action and enforce the '511 patent against infringers, and to collect damages for all relevant times.

58. Defendant, directly or through its agents, customers, and/or intermediaries, has made, used, tested, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringe (either directly or under the doctrine of equivalents) one or more claims of the '511 patent. For instance, on information and belief, Defendant's accused products

1 and/or systems have certain features that open a gaming account for a user and establish an amount
 2 of funds in the gaming account that may be used to play games. The system allows the user to
 3 access the gaming account from a computing device after verifying login credentials. The system
 4 displays a set of events on which games are based and receives requests from users to enter into a
 5 game based on at least one event. Here, the system matches requests from users to enter into
 6 opposite sides of a game, thereby forming an obligation to pay the users for winning the game.
 7 The infringing system also manages the account funds based on placement of entry fees by the
 8 users as well as the final outcomes of any of the games. This is done in a manner that infringes at
 9 least claim 16 of the '511 patent.

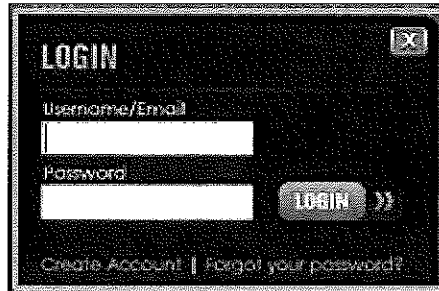
10 59. DraftKings' on-line fantasy sports contests contain each limitation of at least claim
 11 16 of the '511 patent. By way of example only:

12 60. DraftKings' on-line fantasy sports contests meet all requirements of claim 16, which
 13 include (as shown below) "[a] method comprising: opening, by a computer system, a gaming
 14 account for a client; [and] establishing, by the computer system, an amount of consideration in the
 15 gaming account of the client, in which the money may be used to play games." ('511 patent,
 16 col. 13, ll. 17-22.)



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 27 61. DraftKings' on-line fantasy sports contests include "authorizing, by the computer
 28 system, the client to access the gaming account from a computing device by verifying login

1 credentials of the client received from the computing device.” (*Id.* at col. 13, ll. 24-27.)



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7 62. DraftKings’ on-line fantasy sports contests include “receiving, by the computer
8 system, a first request from the client to enter into a game based on at least one event; receiving, by
9 the computer system, a second request from another client to enter into an opposite side of the
10 game based on the at least one event; [and] matching, by the computer system, the first request and
11 the second request in response to receiving the first offer and the second offer into the game, in
12 which the game includes a game between the client and the other client.” (*Id.* at col. 13, l. 33 to
13 col. 14, l. 2.)

MLB \$500 QUARTER ARCADE [JUST \$0.25!] (AFTER...) LIVE IN: 00:51:06
 Entry: \$0.25 Prizes: \$500 My Entries: 0
 Entries: 1810/2350 FPPs: 1 Multi Entry: 200 Aug 30, 3:05p EST
 Balance: \$5

CONTEST DETAILS

SUMMARY
 This 2350-player contest features \$500.00 in total prizes and pays out the top 500 finishing positions. First place wins \$50.00.

PRIZE PAYOUTS

1st	\$50.00
2nd	\$25.00
3rd	\$15.00
4th	\$10.00
5th	\$9.00
6th	\$7.00
7th - 8th	\$5.50
9th - 10th	\$4.00
11th - 15th	\$3.50
16th - 20th	\$3.00
21st - 25th	\$2.50
26th - 30th	\$2.00

ENTRANTS Search for an entrant...

18seki	1976seattle	1dann01
1johnnyrotten2	213BOSS	22sam2212
305powerhouse	3rd-Hank	62boomer78
88reynoldsb0ysx4	aandersnptl	aarnold109
aaronmaga	agronofgroove	AAustin303
ABaures1981	ACBOBBY	adamcubs9

Visit MLB Rules for full contest scoring

DRAFT TEAM

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27 63. DraftKings’ on-line fantasy sports contests include “forming, by the computer
28 system, one obligation with a gaming operator to pay the first client for winning the game with the

client and forming one other obligation with the gaming operator to pay the second client for winning the game with the other client.” (*Id.* at col. 14, ll. 3-7.)

PRIZE PAYOUTS	
1st	\$50.00
2nd	\$25.00
3rd	\$15.00
4th	\$10.00
5th	\$9.00
6th	\$7.00
7th - 8th	\$5.50
9th - 10th	\$4.00
11th - 15th	\$3.50
16th - 20th	\$3.00
21st - 25th	\$2.50
26th - 30th	\$2.00
31st - 40th	\$1.50

64. DraftKings’ on-line fantasy sports contests include “managing, by the computer system, the amount of consideration in the wagering account credits based on placement of the one or more wagers and outcomes of the one or more wagers.” (*Id.* at col. 14, ll. 8-11.)

65. Defendant does not have a license or permission to use the '511 patent.

66. As a result of Defendant’s infringement of the '511 patent, IG LLC has suffered and continues to suffer damages, in an amount not yet determined, of at least a reasonable royalty and/or lost profits.

67. In a letter dated July 15, 2014, notice was provided to Defendant of the '511 patent and Defendant’s infringing conduct.

68. Despite the knowledge of the '511 patent, Defendant has continued to infringe this patent. Defendant acted with reckless disregard of the '511 patent by continuing to infringe the

1 patent when it knew or should have known that its actions constituted infringement.

2 69. Defendant has indirectly infringed the '511 patent, both via contributory and
3 induced infringement. The direct infringement underlying Defendant's indirect infringement of the
4 '511 patent consists of its end-user customers' use of its daily fantasy sports technology.

5 70. Defendant has induced and is continuing to induce its end-user customers to use the
6 accused systems, and specifically to use them in a manner that it knows infringes the '511 patent.
7 Defendant has done so by (1) providing detailed instructions to its customers explaining how to use
8 the daily fantasy sports features (*see, e.g.,* <https://www.draftkings.com/how-to-play>,
9 https://www.youtube.com/watch?v=W_0rEGbJVbE, <https://www.draftkings.com/help/faq>); and
10 (2) touting and advertising these features to its customers (*see, e.g.,*
11 <https://www.youtube.com/watch?v=NvLJJqbGs8>, https://www.youtube.com/watch?v=yHoPa9_KzU0).

12 71. Defendant has contributed to and is continuing to contribute to the infringement
13 (either directly or under the doctrine of equivalents) of the '511 patent by end-user customers by
14 making and selling its daily fantasy sports product, which is especially made for use by end-user
15 customers in a manner that infringes the '511 patent and has no substantial noninfringing uses. In
16 particular, the feature permits end-user customers to open a gaming account that includes
17 depositing funds that may be used to play games while also allowing the end-user customers to
18 access the gaming account from a computing device. In turn, Defendant's products and/or systems
19 display a set of events on which games are based, and then match requests from users to enter into
20 a game on opposite sides that form an obligation to pay the end-user customers for winning the
21 game, and manage the account funds based on placement of entry fees by the end-user customers
22 and the outcomes of the games. This feature is expressly defined by the Defendant in the user's
23 instruction, and has no practical use other than a use that infringes the '511 patent. The use of this
24 feature by end-user customers of Defendant for its intended purpose necessarily results in
25 infringement of at least claim 16 of the '511 patent.

26 72. Defendant had knowledge of the '511 patent since receiving notice on or about July
27 15, 2014.

28 73. Defendant therefore has induced and contributed to acts of direct infringement, and

1 is continuing to do so, with the specific intent and knowledge that others would infringe at least
2 one claim of the '511 patent.

3 **FIFTH CLAIM FOR RELIEF**
4 **(INFRINGEMENT OF U.S. PATENT NO. 8,342,924)**

5 74. Plaintiffs incorporate by reference paragraphs 1-73 as if fully set forth herein.

6 75. On January 1, 2013, U.S. Patent No. 8,342,924 ("the '924 patent") was duly and
7 legally issued by the PTO for an invention titled "System and Method for Providing Enhanced
8 Services to a User of a Gaming Application" to the listed inventors Fergus A. Leen, Sam B.
9 Lawrence, David G. McNally, Clive Hetherington, David M. McDowell, and Kevin R. O'Neal. A
10 certified copy of the '924 patent is attached as **Exhibit E**.

11 76. IG Limited is the assignee and sole owner of the '924 patent, with all substantive
12 rights in and to that patent, including the sole and exclusive right to bring this action and enforce
13 the '924 patent against infringers, and to collect damages for all relevant times.

14 77. Defendant, directly or through its agents, customers, and/or intermediaries, has
15 made, used, tested, imported, provided, supplied, distributed, sold, and/or offered for sale products
16 and/or systems that infringe (either directly or under the doctrine of equivalents) one or more
17 claims of the '924 patent. For example, on information and belief, Defendant's accused products
18 and/or systems have certain features that receive information during the playing of a game (the
19 information associated with at least one event initiated by a user), and generate statistics based at
20 least in part on the information, where the statistics are electronically displayed to another user.
21 This is done in a manner that infringes at least claim 11 of the '924 patent.

22 78. DraftKings' on-line fantasy sports contests contain each limitation of at least claim
23 11 of the '924 patent. By way of example only:

24 79. DraftKings' on-line fantasy sports contests meet all requirements of claim 11, which
25 include (as shown below) "[a]n apparatus comprising: at least one processor; and at least one
26 memory device electronically coupled to the at least one processor, wherein the at least one
27 memory device stores instructions which, when executed by the at least one processor, direct the at
28

1 least one processor to: receive information associated with at least one event initiated by a user
 2 within a context of playing a game, wherein the information is received during the playing of the
 3 game by the user.” (’924 patent, col. 21, ll. 4-13.)

The screenshot displays a DraftKings fantasy sports interface. At the top, there are tabs for 'All Games' and various MLB teams (Bos, Det, NY, KC, Oak, Bal, CWS, LAA, NYM, SF, Atl, Ari, Was, SD) with their respective game times. Below this is a 'Player Search' bar and a 'LINEUP' section. The main table lists players with columns for P (Pitcher), C (Catcher), 1B (First Base), 2B (Second Base), 3B (Third Base), SS (Shortstop), OF (Outfield), C/OF (Catcher/Outfielder), and OF (Outfielder). The table includes columns for PLAYER, OPP (Opponent), FPPG (Fantasy Points Per Game), and SALARY. The 'LINEUP' section on the right shows a selected lineup with columns for P, C, 1B, 2B, 3B, SS, OF, C/OF, and OF, along with PLAYER, OPP, FPPG, and SALARY. At the bottom, there are buttons for 'EXPORT TO CSV', 'CLEAR', 'RESERVE ID', 'IMPORT ID', and 'SUBMIT ID'.

P	C	1B	2B	3B	SS	OF	C/OF	OF	PLAYER	OPP	FPPG	SALARY
									Alex Gordon	NY@KC	7.8	\$4,300
									Danard Span	Was@SD	7.8	\$4,200
									Rajai Davis	Bos@Det	8.2	\$4,200
									Angel Pagan	NYM@SF	8.0	\$4,200
									Jason Heyward	Atl@Ari	7.7	\$4,100
									Gerardo Parra	Atl@Ari	7.3	\$4,100
									Michael Morse	NYM@SF	7.9	\$4,100
									Bryce Harper	Was@SD	8.4	\$4,000
									Evan Gattis	Atl@Ari	7.1	\$3,900
									Torii Hunter	Bos@Det	7.5	\$3,900

P	C	1B	2B	3B	SS	OF	C/OF	OF	PLAYER	OPP	FPPG	SALARY
									Max Scherzer	Bos@Det	22.1	\$10,000
									Wade Miley	Atl@Ari	14.4	\$7,000
									Miguel Montero	Atl@Ari	7.2	\$4,200
									Paul Goldschmidt	Atl@Ari	8.4	\$5,100
									Brandon Hicks	NYM@SF	6.1	\$3,200
									David Wright	NYM@SF	7.3	\$4,800
									Didi Gregorius	Atl@Ari	10.5	\$3,600
									Coco Crisp	Oak@Bal	7.8	\$3,900
									Nick Markakis	Oak@Bal	7.6	\$4,100
									Brett Gardner	NY@KC	8.1	\$4,000

80. DraftKings’ on-line fantasy sports contests include, “based at least in part on the
 information, generat[ing] statistics information, wherein the statistics information is associated
 with the user with respect to the playing of the game; and caus[ing] to be electronically displayed
 to another user at least the statistics information.” (*Id.* at col. 21, ll. 14-19.)

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MLB \$1 HEAD-TO-HEAD VS. BATTERY1975

PRIZE POOL \$1.80

FULL CONTEST RULES & PRIZES

START TIME JUN 07, 7:15 PM EST

SPORT MLB

TEAMS 2

STATUS COMPLETED

POSITIONS PAID 1

PATCHERB13

112.95

P

10

YTP

0

PIR

0

\$300,000 PUNCHOUT!

PIR

0

YTP

0

P

10

BATTERY1975

117.85

CURRENTLY IN 2ND

CURRENTLY IN 1ST

DE MATCH

POS	NAME	GAME	SCORING	FPTS	POS	NAME	GAME	SCORING	FPTS
P	Wade Miley	ATL 3 ARI 4 Final	5 K, 1 ER, 7 IP, 6 H	20.15	P	Tim Lincecum	NYM 4 SF 5 Final	5 K, 3 ER, 5 IP, 3 BB, 9 H	8.05
P	Max Scherzer	BOS 6 DET 8 Final	1 W, 9 K, 4 ER, 6.2 IP, 1 BB, 11 H	21.8	P	Max Scherzer	BOS 6 DET 8 Final	1 W, 9 K, 4 ER, 6.2 IP, 1 BB, 11 H	21.8
C	Miguel Montero	ATL 3 ARI 4 Final	1 R, 1 H, 1 HR, 1 RBI	14	C	Calvin Joseph	OAK 3 BAL 6 Final	1 R, 1 H, 1 2B, 1 RBI	9
1B	Paul Goldschmidt	ATL 3 ARI 4 Final	1 H, 1 BB	5	1B	Chris Johnson	ATL 3 ARI 4 Final		0
2B	Brandon Hicks	NYM 4 SF 5 Final	1 R	2	2B	Yan Gomes	NYM 4 KC 6 Final	1 R, 2 H, 1 2B, 2 RBI, 1 BB	10
3B	David Wright	NYM 4 SF 5 Final	1 R, 1 H	5	3B	Asdrubal Cabrera	BOS 6 DET 8 Final	1 R, 3 H, 2 2B, 1 RBI, 1 BB	10
SS	Dodi Ginzburg	ATL 3 ARI 4 Final	1 H, 2 BB, 1 SB	12	SS	Andrelton Simmons	ATL 3 ARI 4 Final	1 R, 2 H, 1 2B, 1 CS	6
OF	Coco Crisp	OAK 3 BAL 6 Final	2 R, 3 H, 1 2B, 1 HR, 1 RBI	24	OF	Evan Gattis	ATL 3 ARI 4 Final	3 H, 2 2B, 1 RBI	15
OF	Brett Gardner	NYM 4 KC 6 Final		0	OF	Jason Heyward	ATL 3 ARI 4 Final	1 R, 1 H, 1 HR, 2 RBI	10
OF	Rick Markakis	OAK 3 BAL 6 Final	1 R, 1 H, 1 RBI, 1 BB	9	OF	Justin Upton	ATL 3 ARI 4 Final	1 R, 1 H	5

●

Hide Shared Players

TOTAL FANTASY POINTS: 112.95

TOTAL FANTASY POINTS: 117.85

81. Defendant does not have a license or permission to use the '924 patent.

82. As a result of Defendant's infringement of the '924 patent, IG Limited has suffered and continues to suffer damages, in an amount not yet determined, of at least a reasonable royalty and/or lost profits.

83. In a letter dated July 15, 2014, notice was provided to Defendant of the '924 patent and Defendant's infringing conduct.

84. Despite the knowledge of the '924 patent, Defendant has continued to infringe this patent. Defendant acted with reckless disregard of the '924 patent by continuing to infringe the patent when it knew or should have known that its actions constituted infringement.

SIXTH CLAIM FOR RELIEF (INFRINGEMENT OF U.S. PATENT NO. 7,029,394)

85. Plaintiffs incorporate by reference paragraphs 1-84 as if fully set forth herein.

86. On April 18, 2006, U.S. Patent No. 7,029,394 ("the '394 patent") was duly and legally issued by the PTO for an invention titled "System and Method for Generating Statistics for a User of a Gaming Application" to the listed inventors Fergus A. Leen, Sam B. Lawrence, David

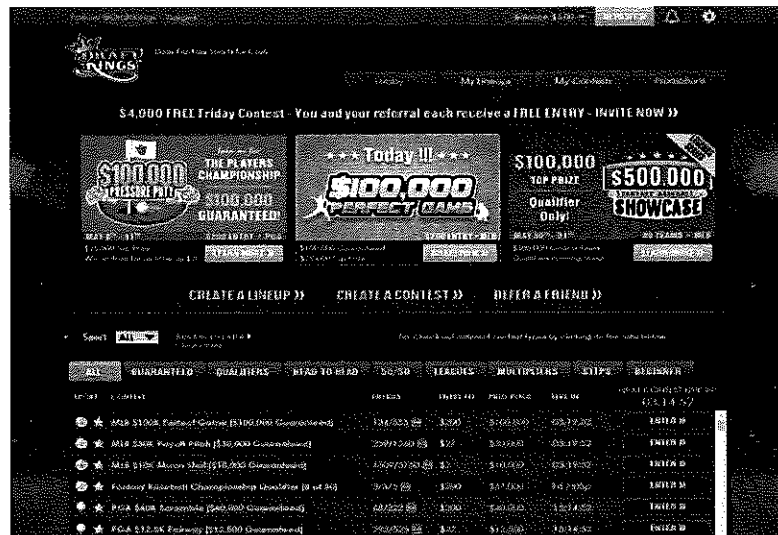
G. McNally, Clive Hetherington, David M. McDowell, and Kevin R. O'Neal. A certified copy of the '394 patent is attached as **Exhibit F**.

87. IG Limited is the assignee and sole owner of the '394 patent, with all substantive rights in and to that patent, including the sole and exclusive right to bring this action and enforce the '394 patent against infringers, and to collect damages for all relevant times.

88. Defendant, directly or through its agents, customers, and/or intermediaries, has made, used, tested, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringe (either directly or under the doctrine of equivalents) one or more claims of the '394 patent. Specifically, Defendant's accused products and/or systems have certain features that execute a gaming application; monitor a plurality of game events; communicate first and second event information associated with a first and second game event; generate statistics based at least in part on the first event information, the second event information, and entry-fee records; and determine an outcome using the statistics. This is done in a manner that infringes at least claim 1 of the '394 patent.

89. DraftKings' on-line fantasy sports contests contain each limitation of at least claim 1 of the '394 patent. By way of example only:

90. DraftKings' on-line fantasy sports contests meet all requirements of claim 1, which include (as shown below) "[a] system for generating statistics information, comprising: a server that: executes a gaming application." ('394 patent, col. 20, ll. 46-49.)



91. DraftKings' on-line fantasy sports contests include "monitor[ing] a plurality of game events during the execution of the gaming application by a user; communicat[ing] first event information associated with a first game event; and communicat[ing] second event information associated with a second game event." (*Id.* at col. 20, ll. 50-55.)

POS	NAME	GAME	SCORING	FPTS	POS	NAME	GAME	SCORING	FPTS
P	Wade Miley	ATL 3 ARI 4 Final	5 K, 1 ER, 7 IP, 6 H	20.15	P	Tim Hudson	NYM 4 SF 5 Final	5 K, 3 ER, 5 IP, 3 BB, 9 H	8.05
P	Max Scherzer	BOS 6 DET 8 Final	1 W, 9 K, 4 ER, 6.2 IP, 1 BB, 11 H	21.6	P	Max Scherzer	BOS 6 DET 8 Final	1 W, 9 K, 4 ER, 6.2 IP, 1 BB, 11 H	21.6
C	Miguel Montero	ATL 3 ARI 4 Final	1 R, 1 H, 1 HR, 1 RBI	14	C	Caleb Joseph	OAK 3 BAL 6 Final	1 R, 1 H, 1 2B, 1 RBI	9
1B	Paul Goldschmidt	ATL 3 ARI 4 Final	1 H, 1 BB	5	1B	Chris Johnson	ATL 3 ARI 4 Final		0
2B	Brandon Hicks	NYM 4 SF 5 Final	1 R	2	2B	Yanquis Solaris	NYM 4 KC 8 Final	1 R, 2 H, 1 2B, 2 RBI, 1 BB	16
3B	David Wright	NYM 4 SF 5 Final	1 R, 1 H	5	3B	Miguel Cabrera	BOS 6 DET 8 Final	1 R, 3 H, 2 2B, 1 RBI, 1 BB	19
SS	Dodt Gregorius	ATL 3 ARI 4 Final	1 H, 2 BB, 1 SB	12	SS	Andrelton Simmons	ATL 3 ARI 4 Final	1 R, 2 H, 1 2B, 1 CS	8
OF	Coco Crisp	OAK 3 BAL 6 Final	2 R, 3 H, 1 2B, 1 HR, 1 RBI	24	OF	Evan Gattis	ATL 3 ARI 4 Final	3 H, 2 2B, 1 RBI	15
OF	Brant Gardner	NYM 4 KC 8 Final		0	OF	Jason Heyward	ATL 3 ARI 4 Final	1 R, 1 H, 1 HR, 2 RBI	16
OF	Nick Markakis	OAK 3 BAL 6 Final	1 R, 1 H, 1 RBI, 1 BB	9	OF	Justin Upton	ATL 3 ARI 4 Final	1 R, 1 H	5
TOTAL FANTASY POINTS: 112.95					TOTAL FANTASY POINTS: 117.65				

92. DraftKings' on-line fantasy sports contests include "a processor remotely coupled to the server that receives the first event information; receives the second event information; [and] generates statistics information based at least in part upon the first event information, the second event information and wager records associated with the gaming application." (*Id.* at col. 20, ll. 56-62.)

MLB \$1 HEAD-TO-HEAD VS. BATTERY1975					PRIZE POOL \$1.80					FULL CONTEST RULES & NOTES				
START TIME JUN 09, 7:10 PM EST					SPORT: MLB					TEAMS: 2				
STATUS: COMPLETED					POSITIONS PAID: 1									
PATCHERB13					BATTERY1975									
112.95					117.65									
P YTP PIR					PIR YTP P									
10 0 0					0 0 10									
CURRENTLY IN 2ND					CURRENTLY IN 1ST									
POS	NAME	GAME	SCORING	FPTS	POS	NAME	GAME	SCORING	FPTS					
P	Wade Miley	ATL 3 ARI 4 Final	5 K, 1 ER, 7 IP, 6 H	20.15	P	Tim Hudson	NYM 4 SF 5 Final	5 K, 3 ER, 5 IP, 3 BB, 9 H	8.05					
P	Max Scherzer	BOS 6 DET 8 Final	1 W, 9 K, 4 ER, 6.2 IP, 1 BB, 11 H	21.6	P	Max Scherzer	BOS 6 DET 8 Final	1 W, 9 K, 4 ER, 6.2 IP, 1 BB, 11 H	21.6					
C	Miguel Montero	ATL 3 ARI 4 Final	1 R, 1 H, 1 HR, 1 RBI	14	C	Caleb Joseph	OAK 3 BAL 6 Final	1 R, 1 H, 1 2B, 1 RBI	9					
1B	Paul Goldschmidt	ATL 3 ARI 4 Final	1 H, 1 BB	5	1B	Chris Johnson	ATL 3 ARI 4 Final		0					
2B	Brandon Hicks	NYM 4 SF 5 Final	1 R	2	2B	Yanquis Solaris	NYM 4 KC 8 Final	1 R, 2 H, 1 2B, 2 RBI, 1 BB	16					
3B	David Wright	NYM 4 SF 5 Final	1 R, 1 H	5	3B	Miguel Cabrera	BOS 6 DET 8 Final	1 R, 3 H, 2 2B, 1 RBI, 1 BB	19					
SS	Dodt Gregorius	ATL 3 ARI 4 Final	1 H, 2 BB, 1 SB	12	SS	Andrelton Simmons	ATL 3 ARI 4 Final	1 R, 2 H, 1 2B, 1 CS	8					
OF	Coco Crisp	OAK 3 BAL 6 Final	2 R, 3 H, 1 2B, 1 HR, 1 RBI	24	OF	Evan Gattis	ATL 3 ARI 4 Final	3 H, 2 2B, 1 RBI	15					
OF	Brant Gardner	NYM 4 KC 8 Final		0	OF	Jason Heyward	ATL 3 ARI 4 Final	1 R, 1 H, 1 HR, 2 RBI	16					
OF	Nick Markakis	OAK 3 BAL 6 Final	1 R, 1 H, 1 RBI, 1 BB	9	OF	Justin Upton	ATL 3 ARI 4 Final	1 R, 1 H	5					
TOTAL FANTASY POINTS: 112.95					TOTAL FANTASY POINTS: 117.65									

93. DraftKings' on-line fantasy sports contests includes "determin[ing] an outcome of a wager associated with the gaming application using the statistics information; and a memory coupled to the processor that stores the statistics information." (*Id.* at col. 20, ll. 63-67.)

CURRENTLY IN 2ND					CURRENTLY IN 1ST				
POS	NAME	GAME	SCORING	FPTS	POS	NAME	GAME	SCORING	FPTS
P	Wade	ATL 3 ARI 4	5 K, 1 ER, 7 IP, 6 H	20.15	P	Tim Lincecum	NYM 4 SF 5	5 K, 3 ER, 5 IP, 3 BB, 9 H	8.05
P	Miley	Final			P	Max Scherzer	BOS 6 DET 8	1 W, 9 K, 4 ER, 6.2 IP, 1 BB, 11 H	21.6

94. Defendant does not have a license or permission to use the '394 patent.

95. As a result of Defendant's infringement of the '394 patent, IG Limited has suffered and continues to suffer damages, in an amount not yet determined, of at least a reasonable royalty and/or lost profits.

96. In a letter dated July 15, 2014, notice was provided to Defendant of the '394 patent and Defendant's infringing conduct.

97. Despite the knowledge of the '394 patent, Defendant has continued to infringe this patent. Defendant acted with reckless disregard of the '394 patent by continuing to infringe the patent when it knew or should have known that its actions constituted infringement.

SEVENTH CLAIM FOR RELIEF **(INFRINGEMENT OF U.S. PATENT NO. 6,884,166)**

98. Plaintiffs incorporate by reference paragraphs 1-97 as if fully set forth herein.

99. On April 26, 2005, U.S. Patent No. 6,884,166 ("the '166 patent") was duly and legally issued by the PTO for an invention titled "System and Method for Establishing a Wager for a Gaming Application" to the listed inventors Fergus A. Leen, Sam B. Lawrence, David G. McNally, Clive Hetherington, David M. McDowell, and Kevin R. O'Neal. A certified copy of the '166 patent is attached as **Exhibit G**.

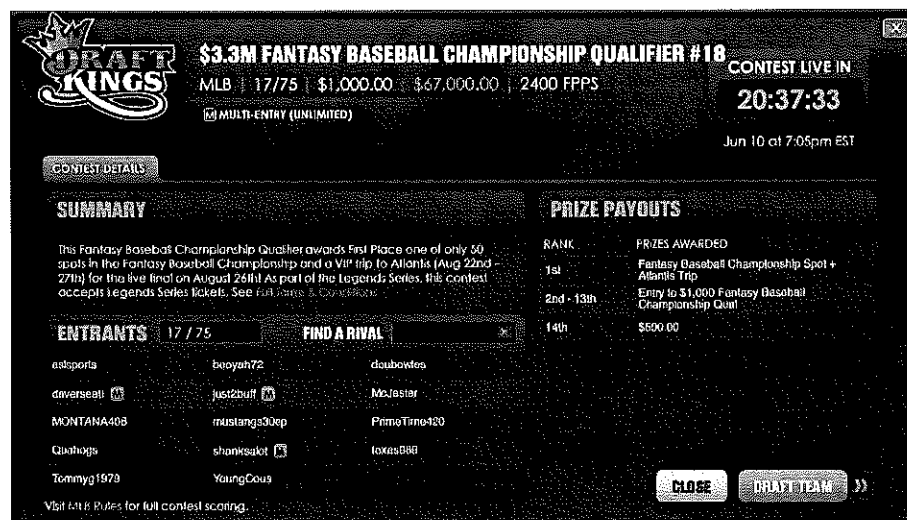
100. IG Limited is the assignee and sole owner of the '166 patent, with all substantive

rights in and to that patent, including the sole and exclusive right to bring this action and enforce the '166 patent against infringers, and to collect damages for all relevant times.

101. Defendant, directly or through its agents, customers, and/or intermediaries, has made, used, tested, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringe (either directly or under the doctrine of equivalents) one or more claims of the '166 patent. For example, on information and belief, Defendant's accused products and/or systems have certain features that host a gaming application for users, allow a first user to generate an offer, present the offer to a number of second users, and receive an acceptance by a second user to form a game between the first and second user. Defendant's accused products and/or systems also have certain features that further generate a record that is stored according to a record identifier where the record includes game parameters. This is done in a manner that infringes at least claim 39 of the '166 patent.

102. DraftKings' on-line fantasy sports contests contain each limitation of at least claim 39 of the '166 patent. By way of example only:

103. DraftKings' on-line fantasy sports contests meet all requirements of claim 39, which include (as shown below) "[a] system for establishing a wager associated with a gaming application, comprising: a server that hosts a gaming application for a plurality of users; [and] a processor remotely coupled to the server." ('166 patent, col. 23, ll. 55-59.)



104. DraftKings' on-line fantasy sports contests include "receiv[ing] a wager offer

generated by a first user, wherein the wager offer is associated with the gaming application.”
(*Id.* at col. 23, ll. 60-62.)

DRAFTKINGS Daily Fantasy Sports for Cash

CREATE HEAD-TO-HEAD CONTESTS

Choose your settings below to set up a head-to-head contest in any sport, including fantasy football, baseball, basketball, and hockey! Challenge a friend or open it up to anyone. Win your money back by proving your fantasy skills today!

Sport: MLB Type: ☒ Play a friend ☐ Play Anyone

Time: Jun 07 7:15PM EST, 7 games

Entry: \$5.00

Count: 1

GO BACK CREATE

105. DraftKings’ on-line fantasy sports contests include “present[ing] the wager offer to a plurality of second users; [and] receiv[ing] a wager acceptance by a second user, the wager offer and the wager acceptance combining to form a wager between the first user and the second user.”
(*Id.* at col. 23, ll. 63-67.)

Sport: ALL ADVANCED FILTER Clear filters

Tip: Winner takes all in these one-on-one contests. Start a rivalry today!

SPORT	CONTEST	ENTRIES	ENTRY FEE	PRIZE POOL	LIVE IN	NEXT CONTEST LIVE IN:
MLB	MLB \$1 Head-to-Head vs. Battery1975 x2	1/2	\$1	\$1.80	01:50:57	01:50:57
MLB	MLB \$1 Head-to-Head vs. jweav73 x3	1/2	\$1	\$1.80	01:50:57	01:50:57
MLB	MLB \$1 Head-to-Head vs. Pivotal x8	1/2	\$1	\$1.80	01:50:57	01:50:57
MLB	MLB \$2 Head-to-Head vs. ericuh x8	1/2	\$2	\$3.60	01:50:57	01:50:57

106. DraftKings’ on-line fantasy sports contests include “generat[ing] a wager record in response to receiving the wager acceptance, the wager record associated with the wager between the first user and the second user and comprising a plurality of wager parameters.” (*Id.* at col. 24, ll. 1-4.)

Upcoming Contests

ID	Game	Starts In	Entry Fee	Prize Pool	Entries
901741	MLB \$1 Head-to-Head vs. Battery1975	01:44:53	\$1.00	\$1.80	2/2

1 107. Defendant does not have a license or permission to use the '166 patent.

2 108. As a result of Defendant's infringement of the '166 patent, IG Limited has suffered
3 and continues to suffer damages, in an amount not yet determined, of at least a reasonable royalty
4 and/or lost profits.

5 109. In a letter dated July 15, 2014, notice was provided to Defendant of the '166 patent
6 and Defendant's infringing conduct.

7 110. Despite the knowledge of the '166 patent, Defendant has continued to infringe this
8 patent. Defendant acted with reckless disregard of the '166 patent by continuing to infringe the
9 patent when it knew or should have known that its actions constituted infringement.

10 **EIGHTH CLAIM FOR RELIEF**
11 **(INFRINGEMENT OF U.S. PATENT NO. 7,534,169)**

12 111. Plaintiffs incorporate by reference paragraphs 1-110 as if fully set forth herein.

13 112. On May 19, 2009, U.S. Patent No. 7,534,169 ("the '169 patent") was duly and
14 legally issued by the PTO for an invention titled "System and Method for Wireless Gaming System
15 with User Profiles" to the listed inventors Lee M. Amaitis, Joseph M. Asher, Robert F.
16 Bahrapour, Darrin M. Mylet, Alan B. Wilkins, and Howard W. Lutnick. A certified copy of the
17 '169 patent is attached as **Exhibit H**.

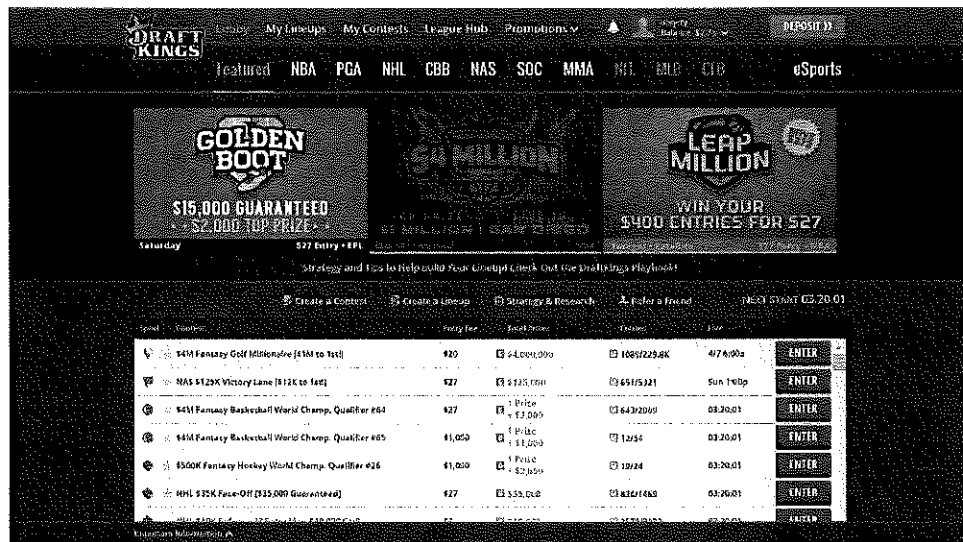
18 113. IG LLC is the assignee and sole owner of the '169 patent, with all substantive rights
19 in and to that patent, including the sole and exclusive right to bring this action and enforce the '169
20 patent against infringers, and to collect damages for all relevant times.

21 114. Defendant, directly or through its agents, customers, and/or intermediaries, has
22 made, used, tested, imported, provided, supplied, distributed, sold, and/or offered for sale products
23 and/or systems that infringe (either directly or under the doctrine of equivalents) one or more
24 claims of the '169 patent. For instance, on information and belief, Defendant's accused products
25 and/or systems have certain features that modify a gaming environment based on a user's success
26 level in playing a gaming activity. A gaming device enables the user to play a plurality of gaming
27 activities, and a user profile associated with the user is updated to reflect a first success level in
28 playing a first gaming activity during a first gaming session. After termination of the first gaming

session and the start of a second, subsequent, gaming session, the user's success level in playing the first gaming activity is determined. Based at least in part on the first success level, a gaming environment is modified and presented to the user through the gaming device. The modification includes a change in how the first gaming activity is presented to the user as a possible gaming activity during the second gaming session. This is done in a manner that infringes at least claim 1 of the '169 patent.

115. DraftKings' on-line fantasy sports contests contain each limitation of at least claim 1 of the '169 patent. By way of example only:

116. DraftKings' on-line fantasy sports contests meet all requirements of claim 1, which include (as shown below) "[a]n apparatus comprising: . . . at least one profile associated with a user of a gaming device, the gaming device being operable to make a plurality of gaming activities available to the user for play via the gaming device." ('169 patent, col. 26, ll. 43-52.)



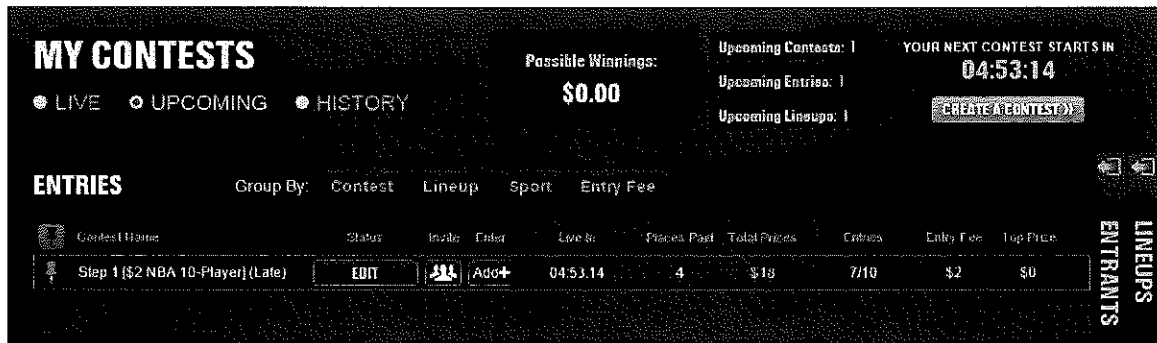
117. DraftKings' on-line fantasy sports contests include "updat[ing] the user's profile to reflect a first success level of the user in playing a first of the plurality of gaming activities via the gaming device during a first gaming session." (*Id.* at col. 26, ll. 56-59.)

...

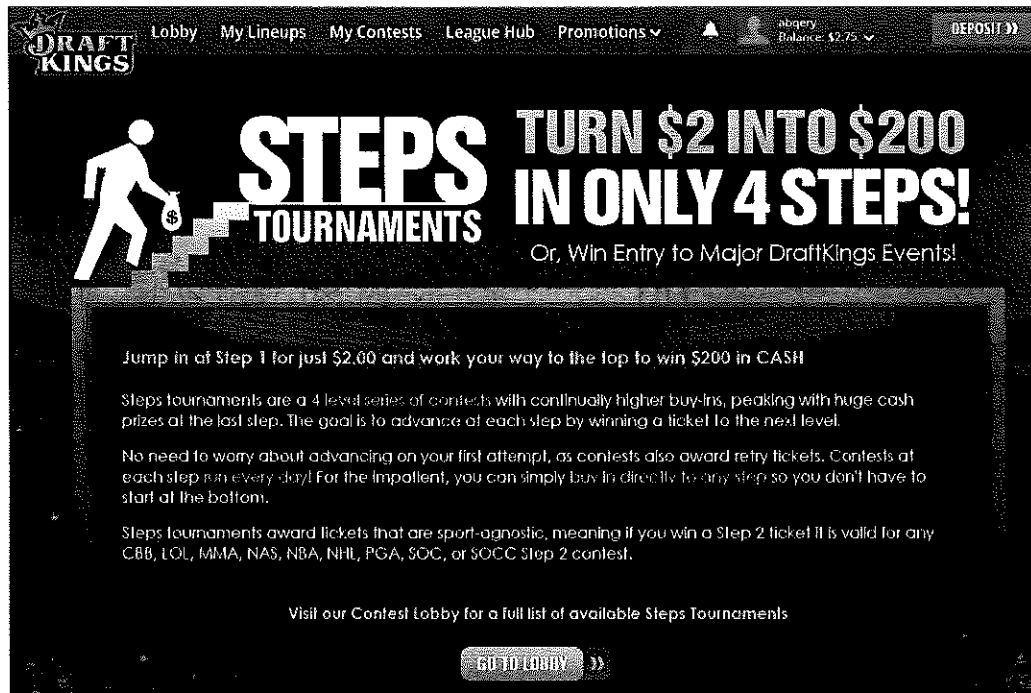
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118. DraftKings' on-line fantasy sports contests include, "based at least in part on the first success level, modify[ing] a gaming environment, wherein the modification includes a change as to how the first gaming activity is presented to the user as a possible gaming activity that the user may play via the gaming device during the second gaming session." (*Id.* at col. 26, l. 66 to col. 27, l. 4.)



119. DraftKings' on-line fantasy sports contests includes "present[ing] to the user, via the gaming device, the first gaming activity according to the modified gaming environment." (*Id.* at col. 27, ll. 5-7.)

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STEP 1 [\$2 NBA 10-PLAYER] (LATE)

Entry: \$2 Prizes: \$18 My Entries: 0
 Entries: 6/10 FPPs: 8 No Multi-Entry

LIVE IN: 05:17:28
 02/26 10:00 PM EST

Balance: \$2.75

CONTEST DETAILS

SUMMARY
 This 10-player contest features \$18.00 in total prizes and pays out the top 4 finishing positions. First place wins Step 2 Ticket.

PRIZE PAYOUTS

1st - 2nd	Step 2 Ticket
3rd - 4th	Step 1 Ticket

ENTRANTS Search for an entrant...

cowboyzrule1	Bucternutter	thehatcher0016
bobber30	butler2222	Sarge06

Visit [NBA Rules](#) for full contest scoring

DRAFT TEAM

13 120. Defendant does not have a license or permission to use the '169 patent.

14 121. As a result of Defendant's infringement of the '169 patent, IG LLC has suffered and
 15 continues to suffer damages, in an amount not yet determined, of at least a reasonable royalty
 16 and/or lost profits.

17 122. In a letter dated July 15, 2014, notice was provided to Defendant of the '169 patent
 18 and Defendant's infringing conduct.

19 123. Despite the knowledge of the '169 patent, Defendant has continued to infringe this
 20 patent. Defendant acted with reckless disregard of the '169 patent by continuing to infringe the
 21 patent when it knew or should have known that its actions constituted infringement.

22
23 **NINTH CLAIM FOR RELIEF**
 (WILLFUL INFRINGEMENT)

24 124. Plaintiffs incorporate by reference paragraphs 1-123 as if fully set forth herein.

25 125. Defendant's infringement of the RE'818, '628, '417, '511, '924, '394, '166, and
 26 '169 patents has been and continues to be willful. Indeed, DraftKings has been aware of at least
 27 the RE'818, '628, '511, '924, '394, '166, and '169 patents since receiving notice on or about July
 28 15, 2014. DraftKings was also made aware of the '417 patent as early as the filing of this lawsuit.

1 DraftKings' continued use of its infringing products constitutes willful and blatant infringement.

2 126. For the same reasons set forth above in paragraphs 15, 26, 39, 67, 72, 83, 96, 109,
3 and 122, Defendant has had knowledge of the RE'818, '628, '417, '511, '924, '394, '166, and '169
4 patents, and that its acts constitute infringement. Defendant has acted and is continuing to act in
5 the face of an objectively high likelihood that its actions constitute infringement of a valid patent or
6 with reckless disregard of that likelihood.

7 **JURY DEMAND**

8 127. Plaintiffs request a trial by jury on all issues so triable by right.

9 **PRAYER FOR RELIEF**

10 Wherefore, Plaintiffs respectfully request that the Court find in their favor and against
11 Defendant, and that the Court grant Plaintiffs the following relief:

12 1. A declaration that DraftKings infringes the Patents-in-Suit under 35 U.S.C.
13 § 271(a), (b), and/or (c), and a final judgment incorporating same;

14 2. Equitable relief under 35 U.S.C. § 283, including but not limited to an injunction
15 that enjoins DraftKings and any of its officers, agents, employees, assigns, representatives, privies,
16 successors, and those acting in concert or participation with them from infringing, contributing to,
17 and/or inducing infringement of the Patents-in-Suit;

18 3. An award of damages sufficient to compensate Plaintiffs for infringement of the
19 Patents-in-Suit by DraftKings, together with prejudgment and postjudgment interest under 35
20 U.S.C. § 284;

21 4. Entry of an order compelling DraftKings to compensate Plaintiffs for any ongoing
22 and/or future infringement of the Patents-in-Suit, in an amount and under terms appropriate under
23 the circumstances;

24 5. That this Court declare this an exceptional case and award Plaintiffs their reasonable
25 attorneys' fees, costs, and expenses in accordance with 35 U.S.C. § 285;

26 6. A declaration or order finding DraftKings' infringement is willful and/or an order
27 increasing damages under 35 U.S.C. § 284; and

28 7. That Plaintiffs be granted such other and further relief as the Court may deem just

1 and proper under the circumstances.

2 DATED this 7th day of April, 2016.

3 OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

4
5 /s/ Molly M. Rezac

6 Molly M. Rezac

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